

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

vs.

HANA AL JADER

CR. NO. 05-10085-RCL

OPPOSITION OF UNITED STATES TO
TO DEFENDANT'S MOTION TO TERMINATE
HOME CONFINEMENT EARLY

The defendant has moved for an order terminating the home confinement portion of her probation several weeks early. Because the defendant has neither shown that there are sufficiently changed circumstances nor adequately supported her request, the government opposes her motion.

On December 21, 2006, after a hearing which incorporated voluminous submissions from the defendant, this Court sentenced the defendant to a term of two years probation with a condition of home confinement for the first six months. The Court also entered a Stipulated Order of Judicial Removal to be effectuated at the end of the defendant's period of home confinement. In sentencing the defendant to six months home confinement, the Court rejected the defendant's request to have the time spent in home confinement while on release credited against the Court's imposition of this term because of the need for sentence to encompass a punitive and deterrent effect.

At the time of the sentencing, the defendant made the Court aware that her teenage children abroad might face the prospect of a lack of supervision during her confinement. Yet the Court was justifiably not persuaded to minimize its sentence by this unfortunate but common collateral consequence of a defendant's violation of the law. The claim that her children need her presence a month early does not warrant early termination of her sentence.

The defendant also asserts that she must undergo surgery that would incapacitate her some time thereafter, thereby adversely affecting her ability to care for her husband. While the government certainly does not want to take a position that could jeopardize the defendant's health, she has failed to adequately support her statement that surgery is necessary at this time. In her letter attached to the motion, the defendant claims that in early December, 2006, her doctor recommended surgery, which she rejected because of the impact it would have on her care-giving. The defendant has failed to show how circumstances have sufficiently changed to warrant the requested relief.

For the foregoing reasons, the government opposes the defendant's motion to terminate early her home confinement.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ S. Theodore Merritt
S. THEODORE MERRITT
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I, S. Theodore Merritt, Assistant United States Attorney, do hereby certify that this document, filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

/s/ S. Theodore Merritt
S. THEODORE MERRITT
Assistant U.S. Attorney